

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GALE JOSEPH YOUNG,  
Plaintiff,

v.

TAYLOR, et al.,  
Defendants.

Case No. 15-cv-05529-KAW (PR)

**ORDER DENYING MOTION TO  
APPOINT COUNSEL; DISMISSAL  
WITHOUT PREJUDICE**

**Dkt. No. 44**

Plaintiff filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. Plaintiff is no longer in custody. Mail sent to Plaintiff was returned as undeliverable on October 18 and November 4, 2016. On November 10, 2016, Plaintiff filed a notice that his new address was a post office box in Fremont, California. However, on December 6, 2016, Court mail directed to Plaintiff at the Fremont post office box was returned with a notation that it was “undeliverable as addressed” and “vacant.” *See* ECF No. 36. On June 12, 2017, the Court issued an order directing Plaintiff to file, within 28 days from the date of the order, a notice of his current address or notice that his Fremont post office box is his current address and he receives mail addressed to him there. *See* ECF No. 43.

Plaintiff has not responded to this order. Instead, on September 13, 2017, he filed a third motion for appointment of counsel, his first two motions having been denied on November 28, and December 19, 2016. *See* ECF Nos. 35 and 38. In this motion, Plaintiff requests counsel because he is living in Texas, is disabled and is unable to prosecute his claims against the defendants in California. He also indicates he is living in a shelter or in his brother’s car. The envelope in which he sent his motion has a return address in Missouri City, Texas, but Plaintiff does not

1 explain who lives at this address and if he receives mail there.

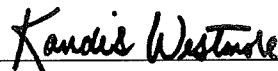
2 The motion for appointment of counsel is denied for the same reasons given in the Court's  
3 previous orders denying appointment of counsel and, in any event, California counsel would not  
4 be able to represent Plaintiff while he is living in Texas.

5 Because Plaintiff has not responded to the Court's July 12, 2017 order, this case is  
6 dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to follow  
7 an order of the Court.

8 The Clerk of the Court shall enter judgment, terminate all pending motions, and close the  
9 file. The Clerk shall mail this order and the judgment to Plaintiff's address on the Court's docket  
10 and to the address on Plaintiff's return envelope at 14506 Circlechase, Missouri City, Texas  
11 77889.

12 IT IS SO ORDERED.

13 Dated: 10/24/17

14   
15 KANDIS A. WESTMORE  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28